



BNC ENGINEERING, LLC

607 River Bend Drive ☆ Georgetown, Texas 78628 ☆ (512) 930-1535 ☆ (512) 930-7696 FAX

October 30, 2003

EPA
Gloria Moran
Attorney
1445 Ross Avenue
Dallas, Texas 75202-2733

RE: Falcon Refinery

Dear Gloria:

On behalf of National Oil Recovery Corporation (NORCO), BNC Engineering, LLC (BNC) and Richard Bergner, Attorney at Law, have reviewed and provide the attached comments to the Falcon Refinery Superfund Site Administrative Order on Consent for Removal Action and Administrative Order on Consent for Remedial Investigation and Feasibility Study.

The NORCO team appreciates the opportunity to review the documents and EPA's willingness to reduce the initial response cost fees. These actions are especially important given the facts that the respondent is in fact an individual and that the sampling data used to evaluate the site indicated that "The samples taken in association with the Hazard Ranking System (HRS) evaluation in May 2000 did not appear to be significantly elevated for impacts on human health" (taken from the AOC for Removal Action). In fact, as discussed in the meeting at the Region 6 office in Dallas, with the exception of one sample of shallow soil the property could be used for residential development.

Clearly the sampling performed to date has not met the rigorous standards necessary to appropriately evaluate the site however, the selected locations for sampling were at the locations that most likely would have yielded constituents of concern. For the discussed reasons, NORCO is requesting reductions in any potential penalties, extensions in time frames to provide certain

Name
Date
Page 2 of 2

activities, reductions in response costs and a request that the Technical Assistance Grant not be awarded as provided in CERCLA.

The attached documents have been reviewed by several individuals and two software programs, which have made some of the edits difficult to follow, especially the numbering of paragraphs. To resolve any issues Mr. Bergner and I will be available to go to Dallas to discuss the two administrative orders and the future of the site.

Again thank you for the opportunity to work with you and the EPA staff, if you have any questions please feel free to call.

Sincerely,
BNC Engineering, LLC

Stephen Halasz